

COMMON PROCEDURAL PROBLEMS IN BANKRUPTCY

1. Matrix not in proper form. See attached memo.
2. Caption - Do not file corporation and individual together as one filing.
3. Incomplete schedules. Addresses, zip codes and signatures are frequently missing.
4. Motions combined. Attorneys are seeking 2 or more types of relief on one motion.
5. No covers - these are required by the Local Rules.
6. Order affixed to the motion. Orders must be submitted **SEPARATELY** after the motion is heard and a ruling is made. However, when filing a §362(d) default motion, an order **should be submitted at the time of filing.**
7. Motions must be filed with the Court one week before the return date.
8. Motions may be adjourned over the telephone, but the attorney must have the consent of **ALL** parties served. Written confirmation of the adjournment must follow.
9. Petition page should **ALWAYS** be on top.
10. The matrix, notice to individual consumer debtors and cover sheet can be filed apart from the petition packet.
11. Only **ONE** copy of the matrix and cover sheet are necessary.
12. If the matrix is not filed at the time of filing the petition, it becomes due **within** two days not fifteen.
13. Attorney's signature should appear twice on petition page. Very often Exhibit B is not signed.
14. Checks should be made payable to Clerk, U.S. Bankruptcy Court.
(NO ABBREVIATIONS SUCH AS U.S. BK CT.)
15. Please make certain that all schedules are in sequential and alphabetical order.
16. Required number of copies of petitions:
 - Chp. 7 & 13 - Original and 3 copies
 - Chp. 12 - Original and 4 copies
 - Chp. 11 - Original and 5 copies

17. Affidavits of service must be filed prior to the signing of an order.
18. On consent orders (abandonment, relief from stay, etc.) all parties must sign.
19. All orders must be accompanied by two copies.
20. All Chapter 13 claims should be filed with the Clerk's Office in duplicate.
21. Prefiled testimony is required of all expert witnesses, and is to be filed three days prior to the commencement of a trial.